

2016/0653/A

46 Birchington Road



View of the street and elevation of the premises with the unauthorized signage



Delegated Report		Analysis sheet	Expiry Date:	09/12/2016
(Members Briefing)		N/A	Consultation Expiry Date:	04/03/2017
Officer			Application Number(s)	
Matthias Gentet			2016/0653/A	
Application Address			Drawing Numbers	
Shop And Premises At Basement And Ground Floor 46 Birchington Road London NW6 4LJ			Detailed Signage (08/03/2017); Existing Front and Side Elevations; Site Location Plan; Pre-Existing and As Built/Proposed Front Side Elevations (Revised 16/12/2016); As Built Elevation and Floor Plan	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Display of internally illuminated fascia sign.				
Recommendation(s):	Grant Conditional Advertisement Consent			
Application Type:	Advertisement Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	01	No. of responses	03	No. of objections	04
Summary of consultation responses:	<p>Consultations were carried out in the form of a Consultation Letter expiring on 04/03/2016.</p> <p>An objection was received from an Owner/Occupier at 18 Birchington Road, NW6 4LJ, summarised as follow:</p> <ul style="list-style-type: none"> - The signage is a gross contravention of the original permission (2014/5696/P); - It is entirely out of character with the residential street. <p>An objection was received from an Owner/Occupier at Flat 1, 33 Birchington Road, NW6 4LJ, summarised as follow:</p> <ul style="list-style-type: none"> - The Neon lights on a residential street should not be allowed - Very intrusive. <p>Two objections were received from the Owner/Occupier at 33A Birchington Road, NW6 4LJ, summarised as follow:</p> <ul style="list-style-type: none"> - The sign is intrusive and negatively impact on the visual amenity and character of Birchington Road, especially when in flashing and changing colour mode; - Sign is too large and displayed too high. <p><i>Officer's Response:</i> See paragraphs 1.3, 1.4, 4.1 to 4.4 below.</p>					
CAAC/Local groups comments:	N/A					

Site Description

The application site is a two storey plus basement level property on the north-west side of Birchington Road near to the junction with Kilburn High Road with residential flats at upper levels, and a restaurant at basement and ground floor levels. The building is the only commercial property facing onto Birchington Road which is a residential street. The east side of the property joins to another retail unit. The west side of the property is located opposite to the commercial units and flats at 102-110 Kilburn High Road.

The site falls within the Kilburn Town Centre. The site is not in a conservation area.

Relevant History

Site Address:

2016/5627/P – (refused on 13/01/2017) - Erection of timber enclosure and decking to forecourt of restaurant (Class A3) [retrospective] – *currently the subject of an appeal ref: APP/X5210/17/3168796*

2016/0652/P – (withdrawn 20/10/2016) - Erection of timber enclosure and decking to forecourt to restaurant (Class A3). [Retrospective]

2014/5696/P – (granted on 23/12/2014) - Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract duct to roof at rear.

2013/1491/P – (refused on 02/07/2013, and Appeal dismissed on 14/03/2014) - Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract ducts to roof at rear.

Site Enforcement History:

EN16/0229 - Operating outside of the operating hours stipulated on planning application ref: 2016/0652/P (closed on 03/03/2017)

EN15/1218 - The restaurant has now erected a neon sign above the door continually flashing alternating between 4 different colours.

EN15/1152 - Unauthorised installation of timber decking and associated timber enclosure on front forecourt area – Appeal against the Enforcement Notice has been lodged.

Site Appeal History:

APP/X5210/A/13/2204843 – (2013/1491/P) - Change of use of ground floor and basement from shop (Class A1) to restaurant (Class A3) including extract ducts to roof at rear – Dismissed 14/03/2014.

APP/X5210/W/17/3168796 – (2016/5627/P) - Erection of timber enclosure and decking to forecourt of restaurant (Class A3) [retrospective] – *To be decided*.

APP/X5210/C/16/3154167 - Unauthorised installation of timber decking and associated timber enclosure on front forecourt area.

Adjacent Sites:

2015/6578/A – (granted on 07/12/2015) - Display of an internally illuminated fascia sign to apex elevation and green lighting to under fascia ridge to all elevations - Lloyds Bank, 106 Kilburn High Road.

2009/1527/A – (granted on 02/06/2010) - Display of two internally illuminated fascia signs and one internally illuminated projecting sign (retrospective) – Iceland, 100 Kilburn High Road.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy Policies

CS5 – Managing the impact of growth

CS13 – Tackling climate change through promoting higher environmental standards

Development Policies

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG1 (Design) – Chap 7 (2015)

Local Plan draft 2016

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

A1 – Managing the Impact on Development

D1 – Design

D4 - Advertisement

National Planning Policy Framework 2012

The London Plan 2016

Assessment

1. Proposal and Background

- 1.1 Advertisement consent is sought for an internally illuminated fascia sign to be displayed between the ground floor door and windows and the first floor window cill.
- 1.2 The Internally illuminated fascia sign is to replace an unauthorised internally illuminated fascia sign which is the subject of an enforcement case reference: EN15/1218 (See Relevant History above).
- 1.3 The existing fascia sign consist of an internally illuminated box sign that is sitting in the gap between the upper part of the ground floor door and windows, and the cill of the first floor window. It extends beyond the far right hand and left hand corners of the windows above making it an overly dominant fixture, and is abutting the lower and upper openings. Coupled with the already very large timber structure occupying the entire forecourt, it creates additional visual and street clutter which is contrary to CPG1 (Design) that states that *the type and appearance of illuminated signs should be sympathetic to the design of the building on which it is located*.
- 1.4 Its method of illumination is unacceptable on principle (the site not being in a Conservation Area). However, the change of colour within the sign, as well as the flashing of the light source are totally inappropriate, and contrary to CPG1 (Design) which states that *illuminated signs should not be flashing or intermittent, whether internal or external*.

2. Amendment

- 2.1 The scheme has been revised during the course of the application to address concerns raised by the officer in terms of the unsuitable size and design of the submitted proposal for the chosen location, as follow:
- (i) width of the fascia be reduced so that not to extend beyond the line at the end of each first floor window;
 - (ii) the removal of one of the 'winged' logo on the right of the fascia.

3. Assessment

- 3.1 The principle considerations material to the determination of the application are as follow:

- Amenity
- Design
- Public Safety

4. Amenity and Design

- 4.1 The proposed fascia sign is to measure 7.20m in width by 1.10m in height and 50mm in depth. It is to sit in the same location of the existing unauthorised fascia sign but will be smaller in size. The new design will allow some acceptable space between the top of the sign and the first floor window cill, reducing the appearance of bulkiness and the 'squeezed against' effect the current fascia sign has.
- 4.2 The level of advertising details has been reduced, and are addressing the concerns raised by the Council and some of the residents in terms of inappropriateness in having a large and 'flamboyant' sign which would clearly be dominating, not just the front elevation of the host building, but also the streetscape which is mainly a residential area with no commercial units within, at the exception of the site address in close proximity to the main high street Kilburn High Road.
- 4.3 The method of illumination is acceptable on principle. But it must be static and not be any changing in colour of the light source, and not exceed 400cd/m from dusk till dawn. A condition is to be added to that effect.
- 4.4 The revised fascia sign offers a less conspicuous and less 'out of place' sign that is still visible from the Kilburn High Road whilst minimizing its negative impact on the streetscene and residential area.
- 4.5 In view of the Enforcement case ref: EN15/1218, a condition has been added to have the unauthorised fascia sign removed and replace within 2 month of the date of the decision.

5. Public Safety

5.1 The proposed internally illuminated fascia sign is a typical commercial sign that is commonly found on commercial frontage. The public safety aspect of the proposal is therefore not an issue.

6. Recommendation

6.1 Grant Conditional Advertisement Consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20th March 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Neritan Cela
Villa Ronel
46 Birchington Road
London
NW6 4LJ

Application Ref: **2016/0653/A**
Please ask for: **Matthias Gentet**
Telephone: 020 7974 **5961**

15 March 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Advertisement Consent Granted

Address:
Shop And Premises At Basement And Ground Floor
46 Birchington Road
London
NW6 4LJ

DECISION

Proposal:

Display of internally illuminated fascia sign.

Drawing Nos: Detailed Signage (08/03/2017); Existing Front and Side Elevations; Site Location Plan; Pre-Existing and As Built/Proposed Front Side Elevations (Revised 16/12/2016); As Built Elevation and Floor Plan

The Council has considered your application and decided to grant consent subject to the following condition(s):

Conditions and Reasons:

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

Executive Director Supporting Communities



- 2 No advertisement shall be sited or displayed so as to
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 The advertisement display shall be statically illuminated, using only a single light source colour, and the intensity of the illumination of the sign shall not exceed 400 candelas per square metre during the hours of darkness in line with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' 2015.

Reason: To ensure that the advertisement does not harm the character and appearance of the area and does not create a distraction to pedestrian or vehicular traffic and therefore cause a hazard to highway safety. In accordance with the requirements of policies CS5, CS14 and CS17 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies, policies D2, D4, A1 and T1 of the Camden Local Plan Submission Draft 2016.

- 7 The development hereby granted advertisement consent shall be completed in accordance with the drawings hereby approved within 2 months of the date of this permission.

Reason: To be in accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies and policy D4 and A1 of the Camden Local Plan Submission Draft 2016.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION